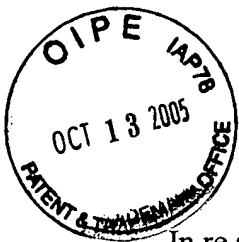


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ATTORNEY DOCKET NO. 07136.0106U2  
PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of	)	
	)	
Brigham <i>et al.</i>	)	Group Art Unit: 1632
	)	
Application No. 10/027,797	)	
	)	Examiner: Chen, Shin-Lin
Filed: December 20, 2001	)	
	)	Confirmation No. 9406
For: GENE DELIVERY AND EXPRESSION	)	
IN AREAS INACCESSIBLE TO DIRECT	)	
PROTEIN DELIVERY	)	

**PETITION TO REVIVE AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Mail Stop PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.  
Customer Number 23859

Sir:

Applicant hereby petitions for revival of this application pursuant 37 C.F.R. § 1.137(b). The above-identified application became abandoned for failure to file a timely and proper reply to a Notice of Non-Compliant Amendment mailed January 10, 2005. Applicants failed to timely reply to the Notice because the Notice was never received by Applicants. The Notice was mailed to the previous address of Applicants' representative rather than to their current address.

The four requirements for a grantable petition are provided with this Petition and are as follows:

1. Petition Fee
  - ☒ Small entity fee in the amount of \$750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
  - ☐ Other than small entity fee in the amount of \$1330.00 (37 CFR 1.17(m)).

10/14/2005 TBESHAH1 00000012 10027797

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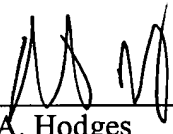
750.00 OP

**ATTORNEY DOCKET NO. 07136.0106U2**  
**Application No. 10/027,797**

2. Reply and/or fee
- A. The reply and/or fee to the above-noted Notice in the form of a Response to Notice of Non-Compliant Amendment
- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.
- B. The issue fee and publication fee (if required) of \$ \_\_\_\_\_
- ☐ has been paid previously on \_\_\_\_\_
- ☐ is enclosed herewith.
3. Terminal disclaimer with disclaimer fee
- ☒ Since this application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith.
4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

A Credit Card Payment Form PTO-2038 authorizing payment in the amount of \$750.00, representing the fee for a small entity under 37 C.F.R. § 1.17(m), a Change of Correspondence Address, and a Response to Notice of Non-Compliant Amendment are enclosed. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,  
NEEDLE & ROSENBERG, P.C.


  
\_\_\_\_\_  
Robert A. Hodges  
Reg. No. 41,074

NEEDLE & ROSENBERG, P.C.  
Customer No. 23859  
Phone: (678) 420-9300

**ATTORNEY DOCKET NO. 07136.0106U2**  
**Application No. 10/027,797**

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

  
\_\_\_\_\_  
Robert A. Hodges

10/11/2005  
Date